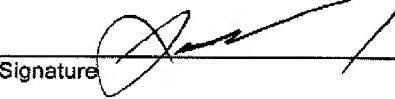


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) Our Case No. 9281-4673 Client Ref. No. S US02286
CERTIFICATE OF ELECTRONIC TRANSMISSION I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on October <u>4</u> , 2006.  _____ Signature Gustavo Siller, Jr., Reg. No. 32,305 Name of Applicant, Assignee or Registered Representative		Application Number: 10/736,924 Filed: 12/15/2003
		First Named Inventor: Yasuhiro Ikarashi
		Art Unit: 2817 Examiner: Shingleton, Michael B.
 Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five(5) pages may be provided.		
 I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input type="checkbox"/> attorney or agent of record. Registration number _____.		
  _____ Signature Gustavo Siller, Jr. Typed or Printed Name		
 <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>32,305</u> . 312-321-4200 Telephone number		
 Note: Signatures of all inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.* <input checked="" type="checkbox"/> *Total of 3 forms are submitted.		
 <u>October 4, 2006</u> Date		

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on October 7, 2006.

Gustavo Siller, Jr., Reg. No. 32,305

Name of Applicant, Assignee or
Registered Representative



Signature

Our Case No. 9281-4673
Client Ref. No. S US02286

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Yasuhiro IKARASHI)	
Serial No.: 10/736,924)	Examiner: Shingleton, Michael B.
Filing Date: 12/15/2003)	Group Art Unit: 2817
For: SIGNAL GENERATOR CAPABLE OF VARYING FREQUENCY OF AN OUTPUT SIGNAL OVER A WIDE RANGE)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS/ AF
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted to accompany a Notice of Appeal. The remarks begin on page 2.

REMARKS

The final Office action issued on July 5, 2006, and a traversal of the rejections was submitted by the Applicant on August 31, 2006. An advisory action issued on September 15, 2006, maintaining the rejections.

The Examiner maintained the rejection of all of the pending claims: Claims 1, 5-21, 23-26 and 28-46.

Specifically, Claims 1, 5-12, 14 20, 26 and 28 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Hsieh (US 6,737,927; "Hsieh"), in view of Segawa et al. (US 6,442,818; "Segawa"), Park "A low-noise 900-MHz VCO in 0.6um CMOS" ("Park"), Kobayashi et al (US 5,311,402; "Kobayashi"), and Kertis et al. (US 6,650,194; "Kertis"); and, Claims 30-34, and 36-41 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Berquist et al. (US 6,542,044; "Berquist") in view of Van Amesfoort (US 5,712,596; "Van Amesfoort") and Segawa.

In the advisory action, the Examiner stated, at item 11, that the request for reconsideration does not place the application in condition for allowance because "[t]he definition of terminal that the applicant sets forth is more narrow than the broadest reasonable interpretation." [emphasis added]. As this is the aspect of the Applicant's traverse that was addressed in the advisory action, it must be presumed for the purposes of this paper, that the other grounds of rejection are moot. Nevertheless, the Applicant reiterates the remainder of the traverse presented in the paper of August 31, 2006.

"Claims must be read in view of the specification, of which they are a part." Phillips v. AWH Corp., 415 F.3d 1303, 1315 (Fed. Cir. 2005) (en banc) (internal quotations omitted). The specification is "[u]sually . . . dispositive" and "is the single best guide to the meaning of a disputed term." Id. In this case, however, the specification may not define the term "terminal" explicitly, but it may be argued that the specification and drawings define the terms implicitly, and would permit a person of ordinary skill in the art to differentiate between a connection and a terminal, particularly an "input terminal" and an "output terminal" as recited in Claim 1.

Where neither an explicit nor an implicit definition is found in the application, it is appropriate to look to dictionary definitions of the terms. See Phillips, 415 F.3d at 1322 ("Dictionaries or comparable sources are often useful to assist in understanding the commonly understood meaning of words and have been used

both by our court and the Supreme Court in claim interpretation.”). For the purposes of this paper, the Examiner’s conclusion that the word “terminal” is not defined explicitly or implicitly in the specification is accepted.

The Examiner has maintained that “the examiner must give the broadest reasonable meaning to the claims consistent with the specification and the examiner must give the plain meaning to the terms where these terms are not specifically defined in the specification.” (Office action of July 5, 2006 at page 10, 4th full paragraph).

The “plain meaning” or “commonly understood meaning” of a word would be understood by a person of ordinary skill in the art to be a dictionary definition, and not merely an expression of the Examiner’s interpretation or opinion. In the paper submitted August 31, 2006, an extract from the Webster’s Collegiate Dictionary 10th Edition was appended, and the extract is also appended to this paper for reference.

The Examiner asserted in the final rejection (page 10, 4th full paragraph, beginning at line 4) that:

A terminal can be any point of electrical connection. Most certainly a line between elements is contacted by the elements and this line is a terminal. A node is a terminal.

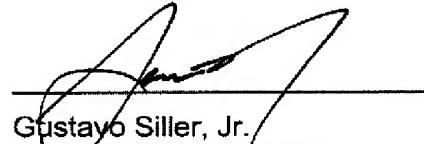
Webster’s dictionary states (in a technologically appropriate one of the meanings) that a terminal is:

a device attached to the end of a wire or cable or to an electrical apparatus for convenience in making connections. [emphasis added]

A “point” is not a “device”, and since the terminal is defined by the dictionary as being attached to a “wire or cable”, it cannot be the wire, cable, or line itself.

The Examiner may consider the actual comparison of the definition used in the rejection and the dictionary definition to be merely a matter of opinion, but the lack of substantiation for the Examiner's proposed definition is a clear error, and the rejection should be withdrawn.

Respectfully submitted,



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